

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR.

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S.B. CIVIL WRIT PETITION NO.4398/2005
Poonama Ram

Versus

State of Rajasthan and Ors.

Date of Order : 26.7.2005

PRESENT

HON'BLE MR. JUSTICE R.P.VYAS

Mr. L.D. Khatri, for the petitioner.

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The present writ petition under Article 226 of the constitution of India has been filed by the petitioner with a prayer that the impugned order of transfer dtd. 11.7.2005 (Annex.-4) may be quashed and set aside qua the petitioner.

Briefly stated the facts of the case as stated by the petitioner are that initially the petitioner was transferred vide order dated 25.4.2003 (Annex.-1) from Tejpala to Satto. Within a short span of time, the petitioner was again transferred to Gram Panchayat Mandai. Thereafter, vide

order dated 8.9.2004 the petitioner was transferred to Gram Panchayat, Chelak. Later on, vide order dated 11.7.2005 (Annex.-4) the petitioner has been transferred Panchayat Samiti, Dhorimanna, District Barmer.

Heard learned counsel for the petitioner at admission stage.

The main contention of the learned counsel for the petitioner is that the petitioner has been subjected to frequent transfers in as much as he has been transferred four times within a short span of two years. It has also been alleged by the learned counsel for the petitioner that petitioner has been transferred on the recommendation of the MLA of Shiv constituency without any administrative exigency.

I have considered the submissions made by the learned counsel for the petitioner. The transfer is an incident of service. It is not a punishment. It is the prerogative of the employer to transfer its employee as per its requirement in administrative exigency. The employer is not required to disclose the administrative exigency in the order of transfer. Further more, an employee cannot

claim his posting at a particular place.

That apart the Hon'ble Supreme Court as well as this Court in catena of judgements have held that transferred order should not be interfered with while exercising jurisdiction under Article 226 of the Constitution of India, unless the same is actuated with malice or mala-fide. The petitioner has not levelled any specific allegation of mala-fide against any officer nor he has impleaded any one as party respondent.

For the reasons mentioned above, the impugned order of transfer dated 11.7.2005 (Annex.-4) does not require any interference by this Court.

Accordingly, I do not find any merit in this writ petition and the same is hereby dismissed.

No order as to costs.

(R.P. VYAS)J.

Rm/